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| EXAMINER | |
| FELTEN, DANIEL S | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/658,014 | Applicant(s) DON TEAGUE ET AL | |
| | Examiner Daniel S. Felten | Art Unit 3694 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/8/03
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/29/2007, 6/27/2006, 10/24/2005 & 12/16/2003.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/29/2007, 6/27/2006, 10/24/2005 and 12/16/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

2. Claims 7, 18 & 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms vendor, criteria, consumer criteria, type of purchase event criteria and purchaser payment psychology are not expressly defined in the specification. Therefore it is unclear if the vendor imposes vendor criteria or if the system considers which vendor conducts the transaction. Therefore it is being interpreted to mean that the decision needs to be based upon various criteria.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 20-27 is non-statutory because it is unclear the exact apparatus of the "machine-readable medium," that the applicant intends to use. Is it a storage medium (e.g. a database)?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,4-10,12, 14-17 & 19-25 rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Hills (US 6,164,528).

As to claim 1, Hills shows:

A method to communicate payment options to a consumer, the method including:

receiving consumer information associated with the consumer; (Abstract, lines 1-4,

through reading off Of a check, credit card, or manual input)

identifying at least one approved payment option fi'om a plurality of payment options

utilizing the consumer information, (A fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52)

would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)

and

communicating the at least one approved payment option to the consumer for

selection by the consumer. (Column 6, lines 7-13)

As to claim 2, Hills further shows:

monitoring a request by the consumer for a further payment option, the further payment option differing from the at least one approved payment option; (Column 6, lines 43-47)

Communicating to the consumer a request for additional consumer information;
(Column 6, lines 53-56) and

selectively approving the request by the consumer for the further payment option based on the additional consumer information. (Column 6, lines 56-61).

As to claim 4, Hills shows all of the elements as shown in claim 1.

As to claim 5, Hills further shows:

storing the approved payment option for the consumer for use in future transactions.
(Column 4, lines 28-35)

As to claim 6, Hills further shows

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill

option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 7, Hills further shows:

identifying the at least one approved payment option to the consumer includes identifying a payment option utilizing at least one of vendor criteria, consumer criteria, type of purchase event criteria, and purchaser payment psychology.
(Column 9, lines 13-20)

As to claim 8, Hills shows

A system to present payment options to a consumer, the system including:

a communication module to receive consumer information; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

an approved payment options generator module to generate a list of at least one approved payment options utilizing the consumer information; (while not expressly stated, a list of accepted payment methods would have to be communicated to the user in order for one to be chosen) and

a selection module to present the consumer with an option to select a payment option from the list of at least one approved payment options. (Figure 2, 310; Column 13, lines 31-33)

As to claim 9, Hills further shows:

the operation includes providing additional consumer information. (Column 6, lines 53-56)

As to claim 10, Hills further shows:

the payment options generator module includes a payment option validation module to identify an available payment option from a plurality of available payment options as an approved payment option utilizing the consumer information. (Column 6, lines 56-61)

As to claim 12, Hills further shows:

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 14, Hills shows:

A method to present payment options to a consumer, the method including: providing consumer information associated with the consumer to a transaction processing facility; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

receiving at least one approved payment option from a plurality of payment options from the transaction processing facility based on the consumer information, (A

fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52) would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 31 lines 20-26)

and

presenting the at least one approved payment option to the consumer for selection by the consumer. (Column 6, lines 7-13)

As to claim 15, Hills further shows:

monitoring a request by the consumer for a further payment option, the further payment option being distinct from the at least one approved payment option; (Column 6, lines 43-47)

obtaining additional consumer information from the consumer; (Column 6, lines 53-56)

communicating the additional consumer information to the transaction processing facility; and (Column 11, lines 23-30 & Figure 3,334)

receiving one of an approval of the further payment option for the consumer, and a rejection of the further payment option for the consumer. (Column 11, lines 23-30)

As to claim 16, Hills shows:

A machine-readable medium for embodying a sequence of instructions that, when executed by the machine, cause the machine to:

receive consumer information associated with a consumer; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

identify at least one approved payment option from a plurality of payment options utilizing the consumer information, (A fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52)

would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)

and

communicate the at least one approved payment option to the consumer for the

Selection by the consumer. (Column 6, lines 7-13)

As to claim 17, Hills further shows:

monitors a request by the consumer for a further payment option, the further payment option differing from the at least one approved payment option; (Column 6, lines 43-47)

communicates to the consumer a request for additional consumer informationi
(Column 6, lines 53-56) and

selectively approves the request by the consumer for the further payment option based on the additional consumer information. (Column 11, lines 23-30)

As to claim 19, Hills shows all of the elements of claim 16.

As to claim 20, Hills further shows:

the approved payment option for the consumer is stored for use in future transactions.

(Column 4, lines 28-35)

As to claim 21, Hills further shows:

the plurality of available payment options include at least one of a credit card option,

a phone bill option, an ACH option, a payment by check option, a direct bill

ption, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 22, Hills further shows:

identifying the at least one approved payment option to the consumer includes identifying a payment option utilizing at least one of vendor criteria, consumer criteria, type of purchase event criteria, and purchaser payment psychology.

(Column 9, lines 13-20)

As to claim 23, Hills shows:

A system to present valid payment options to a consumer, the system including: means to receive consumer information; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

means to generate a list of at least one approved payment options utilizing the consumer information; (while not expressly stated, a list of accepted payment methods would have to be communicated to the user in order for one to be chosen) and

means to present the consumer with an option to select a payment option from the list of at least one approved payment options. (Column 6, lines 7-13)

As to claim 24, Hills shows:

A machine-readable medium for embodying a sequence of instructions that, when executed by a machine, cause the machine to:

provide consumer information associated with a consumer to a transaction processing

facility; (Column 11, lines 44-54)

receive at least one approved payment option from a plurality of payment options from the transaction processing facility based on the consumer information, (Column 7, lines 16-18).

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)

and

present the at least one approved payment option to the consumer for selection by the consumer. (Column 6, lines 7-13)

As to claim 25, hills further shows:

monitors a request by the consumer for a further payment option, the further payment option being distinct from the at least one approved payment option; (Column 6, lines 43-47)

obtains additional consumer information from the consumer; (Column 6, lines 53-56)

communicates the additional consumer information to the transaction processing

facility; and (Column 11, lines 23-30 & Figure 3,334)

receives one of an approval of the further payment option for the consumer, and a rejection of the further payment option for the consumer. (Column 11, lines 23-30)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 11, 13 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of Wang (2003/0009423)

As to claim 3, Hills shows all of the elements except:

identifying the at least one approved payment option includes generating a reliability score value utilizing the consumer information.

Wang shows the use of a trust rating when determining to allow a customer certain rights.

(Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

As to claim 11, Hills shows all of the elements except:

the payment options generator module includes a payment options rules engine to determine reliability score value for the consumer.

Wang shows the use of a trust rating when determining to allow a customer certain right.

(Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

As to claim 13, Hills further shows:

the payment options rules engine is to identify a payment options presentation format, utilizing at least one of a vendor criteria, a consumer criteria, a type of purchase event criteria, and a purchaser payment psychology. (Column 9, lines 13-20)

As to claim 11, Hills shows all of the elements except:

the at least one approved payment option is identified by generating a reliability score value utilizing the consumer information.

Wang shows the use of a trust rating when determining to allow a customer certain rights.

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(Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to

restrict the rights to use the transaction networks for customers that do not appear reliable.

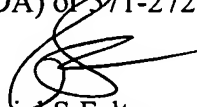
(Paragraph 0060)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Daniel S Felten
Examiner
Art Unit 3694

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